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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,716	10/29/1999	STANLEY T. NAUDUS	99.096	6241

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EXAMINER
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HO, CHUONG T

ART UNIT	PAPER NUMBER
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2664

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DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/429,716

Applicant(s)

NAUDUS ET AL.

Examiner

Chuong Ho

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-18,20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1, 3-11, 13-18, 20-24 are pending.
2. Claims 3, 13, 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 3, 13, 14. See MPEP § 608.01(n). Accordingly, the claims 3, 13, 14 not been further treated on the merits.
3. Claims 3, 13, 14 are objected because of the following informalities: the claims 3, 13, 14 depend on the cancel claims 2, 12. Appropriate correction is required.
4. Applicant's amendment (amended independent claims 1, 10, and 17) filed 12/22/03 has been fully considered but they are not persuasive.

In the page 9, lines 10-13, applicant alleged "U.S. Patent No. 6,259,691 and this application were, at the time the invention of this application was made, owned by or subject to an obligation of assignment to, 3Com Corporation. Therefore, 35 U.S.C. 103 © disqualifies Naudus from being used as the basis for any proper 103 (a) rejection".

The applicant's argument is not persuasive.

The application serial No. 09/429,716 filed on 10/29/1999. An applicant who wants to avail himself or herself of the benefits of 35 U.S.C 103 © has the burden of establishing that subject matter which qualifies as prior art under subsection (e), (f) or (g) of section 102 and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same subject to an obligation of assignment to the same person. Ex parte Yoshino, 227 USPQ 52 (Bd. Pat. App. & Inter. 1985). **Note that for applications filed prior to November 29, 35 U.S.C 103 © is limited on its face to subject matter developed by**

Art Unit: 2664

another person which qualifies as prior art only under subsection (f) or (g) of section 102. See MPEP 706.02(1) (1). See also *In re Bartfeld*, 925 F. 2d 1450, 1453-54, 17 USPQ2d 1885, 1888 (Fed. Cir. 1991).

Therefore, Naudus qualifies from being used as the basis for any proper 103 (a) rejection”.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1, 3-9, 10, 11, 13-16, 17, 18, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naudus (U.S. Patent No. 6,259,691 B1) in view of Vaid et al. (U.S. Patent No. 6,078,953).

In the claim 1, Naudus discloses a first network interface device (50a, 50b, 50c) for communicating with a first network (32, PSTN) having a first protocol type, where the first network interface has a first interface terminal for coupling to the first network and second network (internet), and where the first network device is configured to perform processing for the first protocol type for data packets exchanged between the first and second interface terminals of the first network device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27); a second network interface device (60) for communicating with a second network (internet) having a second protocol type, where the second network interface device has a first interface terminal for coupling to

Art Unit: 2664

the second network and a second interface terminal coupled to the second interface of the first network device, and where the second network device is configured to perform processing for the second protocol type for a first type of data packet exchanged between the first and second interface terminals of the second network device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27); a third network interface device (I/O 108) for communicating with the second network (internet), where the third network interface device has a first interface terminal for coupling to the second network, a second interface terminal coupled to the second interface terminal of the first network device, and third interface terminal coupled to the first interface terminal of the second network device, and where the third network device is configured to perform processing for the second protocol type for a second type of data packet exchanged between the first and second interface terminals of the third network device, the third network interface device being further configured to detect reception of the first type of data packet at the first interface terminal of the third network interface device and route the first type of data packet to the third interface terminal of the third network interface device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

However, Naudus is silent to disclosing the first protocol type of the first network is a first real-time sensitive protocol and the second protocol type is a second real-time sensitive protocol configured to route each data packet to a destination address included in each data packet.

Vaid et al. Discloses a novel system of managing information at a gateway site for improving quality of service to a network of computers, the system has a step of providing a flow of information of a bandwidth management tool disposed at a server. The flow of information is classified into at least a first portion (TCP) and second portion (NON-TCP (e.g., IPSEC) (see col. 2, lines 60-65, figure 9); comprising:

The first protocol type of the first network is a first real-time sensitive protocol and the second protocol type is a second real-time sensitive protocol configured to route each data packet to a destination address included in each data packet (see figure 9, col. 2, lines 60-65, col. 17, lines 27-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Naudus with the teaching of Vaid to provide the first protocol type and the second real-time sensitive protocol in order to determine if the packet's protocol field contains one of the identified IPSEC. Therefore, the combined system would have been enable to reduce the call capacity of the gateway device 40 (network access device).

7. In the claim 3, Naudus discloses the first protocol type is one of H.323 and H.324, and the second protocol type is IP/RTP (see col. 5, lines 47-48, col. 18, lines 43-48).

8. In the claim 4, Vaid et al. discloses the first type of data packet is an unencrypted IP data packet and the second type of data packet is an encrypted data packet (see col. 2, lines 60-67, col. 17, lines 27-37).

9. In the claim 5, Vaid et al. discloses the second type of data packet is an Ipsec encrypted data packet (see col. 2, lines 60-67, col. 17, lines 27-37).

10. In the claim 6, Vaid et al. discloses the third network interface device is configured to identify the second type of data packet by determining whether one of an AH field and ESP field is present in a predetermined header of the second type of data packet, and where the third network device is further configured to detect the first type of data packet by detecting the AH field and the ESP field are absent from the predetermined header of the first type of data packet (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

11. In the claim 7, Naudus discloses the second and third interface device devices share a predetermined network address on the second network (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

12. In the claim 8, Naudus discloses a switching device (I/O 108) having a first terminal coupled to the first interface terminal of the third network interface device, a second terminal, and a third terminal coupled to the third interface terminal of the third network interface device, where the switching device is configured to identify the first type of data packet received at the first terminal and route it to the third terminal and identify the second type of data packet received at the first terminal and route it to the second terminal (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27); and fourth network interface device for processing the second protocol type for the second type of data packet, where the fourth network interface device has a first terminal coupled to the second terminal of the switching device and a second

Art Unit: 2664

terminal coupled to the second interface terminal of the third network interface device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

13. In the claim 9, Naudus discloses the switching device holds a predetermined network address on the second network that is shared by the second and fourth network interface devices (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

14. In the claims 10, Naudus discloses a first gateway device for processing data flow between the first network (PSTN) and the network access server; a second gateway device for processing data flow between the first gateway device and the second network (internet); a switching device (I/O 108) interposed the second gateway device and the second network (internet) for routing a first type of data packet from the second network (internet) to the second gateway device and for processing a second type of data packet from the second network (internet) and routing the second type of data packet to the first gateway device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

However, Naudus is silent to disclosing processing the data packet for a real-time sensitive protocol in the first gateway device; and processing the data packet for a security protocol and for the real-time sensitive protocol in the second gateway device.

Vaid discloses processing the data packet for a real-time sensitive protocol in the first gateway device (905) (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37); processing the data packet for a security protocol and for the real-time sensitive



Art Unit: 2664

protocol in the second gateway device (907) (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Naudus with the teaching of Vaid to processing the data packet for a real-time sensitive protocol in the first gateway device in order to determine if the packet's protocol field contains one of the identified IPSEC. Therefore, the combined system would have been enable to reduce the call capacity of the gateway device (network access device).

15. In the claim 11, Naudus discloses therein instructions for causing a central processing unit to execute the system (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

16. In the claim 13, Naudus discloses the real-time sensitive protocol is RTP (see col. 18, lines 43-48) and the security protocol is Ipsec (see figure 2, col. 2, lines 10-67, figure 4, col. 13, linesx 35-40, col. 15, lines 23-27).

17. In the claim 14, Naudus discloses routing the data packet to a third gateway device after processing by the first gateway device, where the third gateway device is coupled to a second network; and routing the data packet to the third gateway device after processing by the second gateway device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

18. In the claim 15, Vaid discloses the real-time sensitive protocol is RTP and the security protocol Ipsec, and including the step of processing the data packet for one of

and H.323 and an H.324 protocol in the third gateway device (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

19. In the claim 16, Vaid discloses the step of receiving a data packet from a first network includes using a single predetermined address for receiving the data packet from the first network when the data packet has the first protocol type field (Ipsec) in the header of the data packet and when the data packet does not hve the first protocol type field in the header of the data packet (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

20. In the claim 17, Naudus discloses a first gateway device for processing data flow between the first network (PSTN) and the network access server; a second gateway device for processing data flow between the first gateway device and the second network (internet); a switching device (I/O 108) interposed the second gateway device and the second network (internet) for routing a first type of data packet from the second network (internet) to the second gateway device and for processing a second type of data packet from the second network (internet) to the second gateway device and for processing a second type of data packet from the second network (internet) and routing the second type of data packet to the first gateway device (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

However, Naudus is silent to disclosing the second type of data packet (Ipsec) is an encrypted packet and where the switching device is configured to decrypt the second type of packet and route the second type of packet to the first gateway device based upon decrypted header information.

Vaid discloses the second type of data packet (Ipsec) is an encrypted packet and where the switching device (903) is configured to decrypt the second type of packet and route the second type of packet to the first gateway device (907) based upon decrypted header information (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Naudus with the teaching of Vaid to provide the second type of data packet (Ipsec) is an encrypted packet in order to configure to decrypt the second type of packet and route the second type of packet to the first gateway device (907) based upon decrypted header information. Therefore, the combined system would have been enable to reduce the call capacity of the gateway device (network access device).

21. In the claim 18, Naudus discloses the network access server has a single predetermined address on the second network (internet) (see figure 2, col. 2, lines 10-67, figure 4, col. 13, lines 35-40, col. 15, lines 23-27).

22. In the claim 20, Vaid discloses the second type of data packet is an Ipsec encrypted packet and where the switching device is configured to perform Ipsec decryption of the second type of packet (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

23. In the claim 21, Vaid discloses the switching device is configured to identify the second type of data packet by detecting whether one of an AH field and ESP (Ipsec) field is present in a predetermined header of the second type of packet (see figure 9, col. 2, lines 60-67, col. 17, lines 27-37).

Art Unit: 2664

24. In the claim 22, Naudus discloses the switching device (I/O 108) is configured to route the second type of packet to the first gateway device based upon decrypt UDP header in the second type of packet (see figure 2, col. 15, lines 23-37, col. 2, lines 10-67, figure 4, col. 13, lines 35-40).

25. In the claim 23, Naudus discloses the first network is a PSTN (see col. 21, line 4) and the first gateway device is configured to process one of an H.323 (see col. 5, lines 47-48) and an H.324 protocol (see figure 2, col. 15, lines 23-37, col. 2, lines 10-67, figure 4, col. 13, lines 35-40).

26. In the claim 24, Naudus discloses the second network is an internet protocol (IP) network (see col. 7, lines 28-35), the second gateway device is configured to perform RTP (see col. 18, lines 43-48) protocol processing, and the switching device is configured to perform RTP protocol processing (see figure 2, col. 15, lines 23-37, col. 2, lines 10-67, figure 4, col. 13, lines 35-40).

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2664

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703) 306-4529.

The examiner can normally be reached on 8:00AM to 4:00PM.

29. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuong Ho  
Examiner  
Art Unit 2664

03/02/04

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal line extending to the right.

WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600